

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Leonard Ray Crooms,

Plaintiff,

v.

Court of Appeals First Supreme Judicial
District,

Defendant.

Case No. 2:22-cv-01290-CDS-EJY

ORDER

And

REPORT AND RECOMMENDATION

Pro se plaintiff Leonard Crooms filed a Complaint that appears to bring a claim arising from parole from a criminal conviction that occurred in the State of Texas. ECF No. 1-1. Crooms seems to contend he was wrongly convicted and that it was his cousin who committed the crime. *Id.* Crooms says he is a slave to the parole system and seeks social equality and respect for the individual. *Id.* Crooms also submitted the form for proceeding *in forma pauperis* under 28 U.S.C. § 1915(a) showing an inability to prepay fees or costs or give security for them. ECF No. 1.

I. Discussion

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012).

To survive § 1915 review, a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The Court liberally construes pro se complaints and may only dismiss them “if it appears

1 beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle
2 him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at
3 678).

4 In considering whether the complaint is sufficient to state a claim, all allegations of material
5 fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar Summit P’ship*
6 *v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted). Although the
7 standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff must provide
8 more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).
9 A formulaic recitation of the elements of a cause of action is insufficient. *Id.* Unless it is clear the
10 complaint’s deficiencies could not be cured through amendment, a pro se plaintiff should be given
11 leave to amend the complaint with notice regarding the complaint’s deficiencies. *Cato v. United*
12 *States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

13 Federal courts may raise the question of subject-matter jurisdiction sua sponte, and the
14 Court must dismiss a case if it determines it lacks subject matter jurisdiction. Fed. R. Civ. P.
15 12(h)(3). The U.S. district courts “have original jurisdiction of all civil actions arising under the
16 Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Federal district courts also
17 have original jurisdiction over civil actions in diversity cases “where the matter in controversy
18 exceeds the sum or value of \$75,000” and where the matter is between “citizens of different States.”
19 28 U.S.C. § 1332(a). Crooms’ Complaint fails to establish subject matter jurisdiction. Specifically,
20 while Croom’s Complaint alludes to the 13th and 14th Amendments, his allegations are largely
21 indecipherable. There is no cause of action identified and none the Court can discern from the
22 statements made by Crooms. *Sua sponte* dismissal is appropriate where claims lack legal
23 plausibility necessary to invoke subject matter jurisdiction in the federal courts. *Johnson v.*
24 *Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121–22 (9th Cir. 2008).

25 Moreover, the Ninth Circuit holds that dismissal for failure to comply with Rule 8 is proper
26 where “the very prolixity of the complaint” make it difficult to determine just what circumstances
27 were supposed to give rise a cause of action. *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir.1996);
28

1 *see also Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 674 (9th Cir.1981); *Schmidt v. Herrmann*,
2 614 F.2d 1221 (9th Cir.1980).

3 **II. Order**

4 Accordingly, because the Court recommends dismissal of Plaintiff's Complaint with
5 prejudice, IT IS HEREBY ORDERED that plaintiff's Application for Leave to Proceed *In Forma*
6 *Pauperis* (ECF No. 1) is DENIED.

7 **III. Recommendation**

8 Further, in light of the nature of the allegations asserted in Crooms' Complaint, IT IS
9 RECOMMENDED that the Complaint (ECF No. 1-1) be DISMISSED with prejudice as the content
10 of the Complaint fails to allege any facts or law the amendment of which would cure the
11 deficiencies stated therein.

12 Dated this 15th day of August, 2022.

13 
14 _____
15 ELAYNA J. YOUCHAK
16 UNITED STATES MAGISTRATE JUDGE

17 **NOTICE**

18 This report and recommendation is submitted to the United States district judge assigned to
19 this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may
20 file a written objection supported by points and authorities within fourteen days of being served
21 with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may
22 waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
23 1991).